



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE, et al.

Defendants.
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21-CV-3687 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the discovery disputes raised at Dkts. 384 and 386.

1. **RAMAL (Dkt. 384):** Hedgeye's motion to compel Defendants to produce documents in response to Hedgeye Requests 37-42 seeking documents related to RAMAL, Inc. is DENIED. The requests are far afield from being relevant and are based, in part, on speculative characterization that RAMAL is Defendant Lamar's alter-ego.

2. **Counterclaims (Dkt. 386):** Hedgeye's motion to overrule the Defendants' objections to Hedgeye's discovery requests insofar as they concern regarding co-Defendant counterclaims is DENIED IN PART. The Court has reviewed the requests at issue. Even though each set of Defendants assert distinctly different counterclaims, Hedgeye conflated them in issuing duplicate requests about the counterclaims to both sets of Defendants. The Court agrees with Hedgeye that, in the abstract, one party could have documents relevant to another party's counterclaims and that simply being relevant to the other party's counterclaims does not insulate material from discovery. But given the specific nature of the counterclaims here and the requests addressing those counterclaims, the likelihood of either set of Defendants having documents relevant solely

to the other's counterclaims and not their own (which necessarily would be produced) is slim at best. Indeed, the Terman Defendants have represented that they have no responsive documents with respect to the Dale Defendants' counterclaims. (Dkt. 391.) Hedgeye's motion is GRANTED IN PART as follows: If the Dale Defendants are not aware that they have any documents relevant to the Terman Defendants' counterclaims, they shall so inform Hedgeye. If the Dale Defendants are aware that they have any documents relevant to the Terman Defendants' counterclaims, they shall produce them; however, the Dale Defendants need not conduct a separate search for documents that may be relevant to the Terman Defendants' counterclaims but about which they are not currently aware.

The Clerk of Court is respectfully requested to terminate the motions at Dkts. 384, 385, and 386.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 22, 2022
New York, New York

Copies transmitted this date to all counsel of record.